

TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

NOTICE OF PUBLIC HEARING

Proposed Toll Bridge Rule

LSA Document #10-392

Under IC 4-22-2-24, notice is hereby given that on **Thursday, April 7, 2011, at 1:00pm.**, at the Indiana Government Center South, 402 West Washington Street, Conference Center Room 22, Indianapolis, Indiana, the Indiana Department of Transportation will hold a public hearing on a new rule amending 105 IAC to permit the department to collect tolls on the Wabash Bridge in Posey County, Indiana, and to set the toll schedule and procedures regarding the administration and collection of tolls.

The proposed rule adds to 105 IAC 15 to permit the department to collect tolls on the Wabash Bridge Memorial Toll Bridge in Posey County, Indiana (the "Bridge"), and sets the toll schedule and procedures regarding the administration and collection of tolls. By order of the Governor and pursuant to IC 8-16-1, ownership of the Bridge shall be transferred from the Indiana Finance Authority to the department upon promulgation of this rule. Tolls on the Bridge are currently collected by the Indiana Finance Authority with the assistance of the department and toll revenue is transferred to the department to cover costs of maintenance and operation of the bridge. The proposed rule is substantially similar to 135 IAC 3-1-1, and the toll schedule for individual vehicles remains the same in the proposed rule. As a result, the only additional requirement or cost that would be imposed on users of the Bridge under this rule is through the removal of the discounted toll rate offered under 135 I.A.C. 3-2-2 with the sale of the commutation books. The removal of the discount will result in former purchasers of the commutation books paying the normal toll rate of fifty cents (\$.50) per trip, an additional ten cents (\$.10) per trip over the discounted rate. The total impact to all users (including small businesses) from cessation of the sale of commutation books is anticipated to be only \$36,000.00 per year. As the toll rate has not increased since 1987 and is not increasing under this rule, the department believes the modest cost imposed as a result of elimination of the discounted commutation books is justified. Further, this rule will enable the department to use the proceeds collected from tolling (after subtraction of costs of maintenance and operation of the Bridge) to fund the replacement of the Bridge, which will be required in approximately 25 years.

Copies of this rule are now on file at the Indiana Department of Transportation, Indiana Government Center North, 100 North Senate Avenue, Room N758 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael B. Cline
Commissioner
Indiana Department of Transportation



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March 31, 2011

Jennifer L. Jansen
Staff Attorney
Indiana Department of Transportation
100 North Senate Avenue - Room N730
Indianapolis, IN 46204

Dear Ms. Jansen:

Pursuant to IC 4-22-2-28, the Indiana Economic Development Corporation ("IEDC") has reviewed the economic impact analysis for small business associated with rule changes contained in LSA Document 10-392 and proposed by the Indiana Department of Transportation ("INDOT"). The proposed rule amends 105 IAC to adopt rules permitting INDOT to collect tolls on the Wabash Bridge in Posey County, Indiana, and setting the toll schedule and procedures regarding the administration and collection of tolls.

The economic impact statement prepared by INDOT indicates that the proposed rule will potentially effect between 180 and 220 businesses. This estimate is based on traffic patterns at the Wabash Bridge observed by INDOT. INDOT does not have the information necessary to determine what percentage of these businesses satisfies the definition of a small business. The economic impact statement prepared by INDOT indicates that the proposed rule will not impose any new administrative costs on small businesses.

There is a possible economic impact associated with the cessation of discounted toll rates available through the purchase of commutation books. The maximum cost associated with this provision is \$36,000 per year across all entities that had previously purchased these commutation books. Since not all the entities that purchased commutation books are small businesses, INDOT estimates that the maximum impact across all small businesses will be less than \$36,000 per year.

The IEDC does not object to the economic impact to small businesses associated with the proposed rule. INDOT has indicated that since the toll rate on the Wabash Bridge has not increased since 1987 and is not increasing under this rule, it believes the modest cost imposed as a result of elimination of the discounted commutation books is justified. Additionally, this rule will enable INDOT to use the proceeds collected from tolling (after subtraction of costs of maintenance and operation of the Bridge) to fund the replacement of the Bridge, which will be required in approximately 25 years.

If you have any questions about the comments contained herein please contact me at 232-8962 or rasberry@iedc.in.gov.

Regards,

A handwritten signature in black ink, appearing to read "Ryan Asberry".

Ryan Asberry
Assistant Vice President